

**MINUTES OF THE  
REORGANIZATION AND REGULAR MEETING  
MENDHAM BOROUGH PLANNING BOARD  
JANUARY 8, 2018**

**Garabrant Center, 4 Wilson Street, Mendham, NJ**

**CALL TO ORDER**

The regular and reorganization meeting of the Mendham Borough Planning Board was called to order by Mr. Kraft at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

**OPENING STATEMENT**

Notice of this meeting was published in the *Observer Tribune* and in the *Daily Record* on January 12, 2017 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee.

**ATTENDANCE**

Mr. Bradley – Present	Administrator Bushman - Present
Mr. Cascais – Absent	Mayor Henry – Present
Mr. Kay – Present	Ms. Lichtenberger – Present
Councilman Sharkey – Present	Mr. Sprandel – Present
Chairman Kraft – Present	

Alternates: Ms. Masse, Alternate I – Present

Also Present: Mr. Ferriero, Engineer  
Mr. Henry, Esquire

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**2018 REORGANIZATION**

**Slate of Officers/Technical Review Committee**

**Election of Chair:** A nomination was made for Mr. Kraft as Chair by Mayor Henry. There being no additional nominations, on motion made and seconded by Councilman Sharkey, a single ballot was cast for Mr. Kraft as Chair.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor:	Bradley, Bushman, Henry, Kay, Lichtenberger, Kraft, Masse, Sharkey, Sprandel
Opposed:	None
Abstentions:	None

The motion carried and Mr. Kraft was elected Chair.

**Election of Vice-Chair:** The Board decided to carry the vice-chair nomination to the next month's meeting when Mr. Cascais was present.

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**Appointment of Secretary:** A nomination was made for Ms. Mazzucco as Board Secretary by Mr. Bradley. On motion made and seconded by Councilman Sharkey, Ms. Mazzucco was appointed Board Secretary.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Henry, Kay, Lichtenberger, Kraft, Masse, Sharkey, Sprandel  
Opposed: None  
Abstentions: None

The motion carried and Mr. Mazzucco was elected Secretary.

**Technical Review Committee (TRC):** Chairman Kraft appointed Mr. Bradley, Mr. Cascais, Ms. Lichtenberger and Mr. Sprandel to serve as regular members. Administrator Bushman and Mr. Kraft will serve as alternates.

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## RESOLUTIONS

**Planning Board Meeting Dates:** In the meeting packet, Board Members received a copy of a resolution listing proposed meeting dates for 2018.

### BOROUGH OF MENDHAM PLANNING BOARD

#### RESOLUTION

**BE IT RESOLVED** that the Planning Board of the Borough of Mendham will meet to discuss or act upon public business at 7:30PM prevailing time on each of the dates set forth below, at the Garabrant Center, 4 Wilson Street, Mendham, NJ:

Monday, February 12, 2018  
Monday, March 12  
Monday, April 9  
Monday, May 14  
Monday, June 11  
Monday, July 9  
Monday, August 13  
Monday, September 10  
**Tuesday, October 9**  
**Tuesday, November 13**  
Monday, December 10  
Monday, January 14, 2019

**BE IT FURTHER RESOLVED** that notice of any additions to the above schedule or change in the time, date or place of any scheduled meeting will be posted on the

bulletin board in the Phoenix House and delivered to the official newspapers in advance as required by law.

With respect to matters presented to this Board by applicants, the public shall be heard during the hearing on the application in accordance with the procedure as established by the Municipal Land Use Law.

Mr. Bradley made a motion to approve the meeting dates for 2018, and Councilman Sharkey seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Henry, Kay, Lichtenberger, Kraft, Masse, Sharkey, Sprandel  
Opposed: None  
Abstentions: None

The motion carried.

**TRC Meeting Dates:** In the meeting packet, Board Members received a copy of a resolution listing proposed TRC meeting dates for 2018.

**BOROUGH OF MENDHAM  
PLANNING BOARD**

**RESOLUTION**

**BE IT RESOLVED** that the Technical Review Committee of Planning Board of the Borough of Mendham will meet to discuss or act upon public business at 9:00AM prevailing time on each of the dates set forth below, at the Phoenix House, 2 West Main Street, Mendham, NJ:

**Tuesday, January 16, 2018**  
**Tuesday, February 20**  
Monday, March 19  
Monday, April 16  
Monday, May 21  
Monday, June 18  
Monday, July 16  
Monday, August 20  
Monday, September 17  
Monday, October 15  
Monday, November 19  
Monday, December 17

**BE IT FURTHER RESOLVED** that notice of any additions to the above schedule or change in the time, date or place of any scheduled meeting will be posted on the bulletin board in the Phoenix House and delivered to the official newspapers in advance as required by law.

With respect to matters presented to this Board by applicants, the public shall be heard during the hearing on the application in accordance with the procedure as established by the Municipal Land Use Law.

Mr. Bradley made a motion to approve the meeting dates for 2018, and Mr. Sprandel seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Henry, Kay, Lichtenberger, Kraft, Mase, Sharkey, Sprandel  
Opposed: None  
Abstentions: None

The motion carried.

**Official Newspapers:** In the meeting packet, Board Members received a copy of a resolution listing proposed Official Newspapers for 2018.

**BOROUGH OF MENDHAM  
PLANNING BOARD**

**RESOLUTION**

**BE IT RESOLVED** by the Planning Board of the Borough of Mendham, Morris County, New Jersey as follows:

**WHEREAS**, Chapter 231 of the Public Laws of the State of New Jersey for 1975, known as and hereinafter designated as the "Open Public Meetings Act" aforesaid, the Planning Board of the Borough of Mendham hereby makes the following designations:

1. The *Observer Tribune* and the *Daily Record* having been designated by the Governing Body as the two official newspapers to receive notice of meetings required by any and all sections of the Open Public Meetings Act, it appearing that said newspapers are most likely to inform the local public of such meetings. Notices

required by the New Jersey Municipal Land Use Law or the Borough's Land Use Regulations may be placed, as required by law, in either of the designated newspapers.

2. The location for posting of notices of meetings shall be the bulletin board in the Phoenix House, 2 West Main Street, Mendham, NJ, where notices of this kind are normally posted.

3. The sum of \$12.00 per year is hereby fixed as the amount to be paid by any person requesting individual notice of meetings as provided in Section 13 of the Open Public Meetings Act.

Mayor Henry made a motion to approve the Official Newspapers, and Ms. Masse seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Henry, Kay, Lichtenberger, Kraft, Masse, Sharkey, Sprandel  
Opposed: None  
Abstentions: None

The motion carried.

**Appointment of Board Attorney:** The following resolution, distributed in the meeting packet, was introduced:

**BOROUGH OF MENDHAM  
PLANNING BOARD**

**RESOLUTION**

**WHEREAS**, the Planning Board of the Borough of Mendham has a need to acquire professional Board Attorney services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the business administrator has determined and certified in writing that the value of the services will exceed \$17,500 (including escrows); and

**WHEREAS**, Peter E. Henry, Esq., of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP, has submitted a proposal indicating that he may provide legal services for 2018 in an amount projected to exceed \$17,500 (including escrows); and

**WHEREAS**, the anticipated term of this contract is one (1) year; and

**WHEREAS**, Peter E. Henry, Esq., of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP, has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee of the Borough Council in the Borough of Mendham in the previous one (1) year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

**WHEREAS**, this resolution is subject to the Chief Financial Officer certifying to the availability of funds; and

**WHEREAS**, the Planning Board of the Borough of Mendham wishes to retain Peter E. Henry, Esq. of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Peter E. Henry, Esq. of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP, to serve as Board Attorney for the year 2018 at a total annual cost not to exceed [\$15,000], such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2018: and escrows as required for 2018; and
2. This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. That a notice of this action shall be published once in the official newspapers of the Planning Board of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).

5. This Resolution shall take effect as provided herein.

Mayor Henry made a motion to approve the appointment of Board Attorney, and Councilman Sharkey seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Henry, Kay, Lichtenberger, Kraft, Masse, Sharkey, Sprandel  
Opposed: None  
Abstentions: None

The motion carried.

**Appointment of Consulting Engineer:** The following resolution, distributed in the meeting packet, was introduced:

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY**

**PLANNING BOARD**

**RESOLUTION**

**WHEREAS**, the Planning Board of the Borough of Mendham has a need to acquire professional Consulting Engineer services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

**WHEREAS**, the business administrator has determined and certified in writing that the value of the services will exceed \$17,500 (including escrows); and

**WHEREAS**, Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has submitted a proposal indicating that they may provide engineering services for 2018 in an amount projected to exceed \$17,500 (including escrows); and

**WHEREAS**, the anticipated term of this contract is one (1) year; and

**WHEREAS**, Paul W. Ferriero has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee of the Borough Council in the Borough of Mendham in the previous one (1) year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

**WHEREAS**, this resolution is subject to the Chief Financial Officer certifying to the availability of funds; and

**WHEREAS**, the Planning Board of the Borough of Mendham wishes to retain Paul W. Ferriero; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Paul W. Ferriero PE & PP of the firm Ferriero Engineering Incorporated to serve as Consulting Engineer for 2018, at a total annual cost not to exceed [\$5,000] such sum as duly appropriated for the purposes in the duly adopted municipal budget for 2018; and escrows as required for 2018; and

2. This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

4. That a notice of this action shall be published once in the official newspapers of the Planning Board of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).

6. This Resolution shall take effect as provided herein.

Mayor Henry made a motion to approve the appointment of Consulting Engineer, and Councilman Sharkey seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Henry, Kay, Lichtenberger, Kraft, Masse, Sharkey, Sprandel  
Opposed: None  
Abstentions: None

The motion carried.



**Liason to Environmental Commission:** Chairman Kraft asked if any Board member would like to be the liason to the Environmental Commission, and Councilman Sharkey volunteered.

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**MINUTES**

Councilman Sharkey made a motion to approve the minutes of the regular meeting of November 13, 2017 and Ms. Masse seconded. On a voice vote the minutes were approved.

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**PUBLIC COMMENT**

Mr. Kraft opened the meeting to questions and comments on items not included in the agenda. There being none, the public comment session was closed.

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**APPLICATION FOR EXTENSION**

**PB #943**      **Barber, 78** Mountainside Road  
Block 501, Lot 24, Minor Subdivision Approved December 14, 2015

Present: Mr. Luke Nikander, Office of John M. Mills, III, Attorney  
Mr. Christopher Nusser, Engineer

Mr. Nusser was sworn. Mr. Nusser explained that since the property is outside of the sewer service area and connecting to the sanitary sewer of the Borough, the New Jersey state sanitary sewer maps needed to be modified. He also mentioned that there does not exist a statutory limitation on the time for the state to act, and that the draft Preliminary Notice is completed. However, the extension would give the NJ Department of Environmental Protection (DEP) an opportunity to review and publish the final Notice. Mr. Henry stated that the maximum extension the Board would be able to grant would be one year from December 14, 2017, which is two years from the Memorialization of the Resolution for this application. Mr. Nusser felt they would need the full year extension.

Mr. Ferreiro stated that the one-year extension was reasonable, however he felt that revised engineering plans should be submitted within 30 days of the initial publication by the NJ DEP. Mr. Henry recommended that there should be a "check in" date by the applicant's attorney to update the Board on their progress.

Ms. Lichtenberger made a motion to approve the extension request with the specified conditions, and Councilman Sharkey seconded the motion.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor:        Bradley, Bushman, Henry, Kay, Lichtenberger, Kraft, Masse, Sharkey, Sprandel  
Opposed:        None  
Abstentions:    None

The motion carried for the one-year extension.

**OTHER DISCUSSION ITEMS**

Chairman Kraft stated that next week's TRC meeting was cancelled. He also mentioned that although a Dunkin Donuts application has not been received by the Planning Board, if and when an application is submitted, Board members should be advised not to discuss or express opinions with the community.

####

**ADJOURNMENT**

There being no additional business to come before the Board, Chairman Kraft adjourned the meeting at 8pm. The next regular scheduled meeting of the Planning Board will be held on **Monday, February 12, 2017 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham.

Respectfully submitted,

*Carolyn Mazucco*

Carolyn Mazucco  
Board Secretary